

City of Bangor, ME
Thursday, April 6, 2017

Chapter 165. Land Development

Part 3. District Provisions

Article XV. Resource, Open Space and Rural Areas

[1]. *Editor's Note: See also Schedule C, included as an attachment to this chapter.*

§ 165-104. Objective.

The objective of the provisions within this article is to provide for the protection of a variety of natural and resource use environments in areas of the City where intensive development and provision of urban services are to be avoided due to inhospitable physiographic conditions, fragile environments and remoteness of access to transportation and other facilities. These areas should be managed to contribute to the welfare of the community by encouraging appropriate resource use and low-intensity living and recreation, while avoiding costly damage to sensitive environments and inefficient construction of urban infrastructure and private development. The proper balancing of preservation and utilization of these areas can pay great dividends to the community over time.

§ 165-105. Rural Residence and Agricultural District (RR & A).

- A. Statement of purpose. The Rural Residence and Agricultural District is established to preserve in agricultural use lands where urban development is generally not feasible because of the absence of public utilities and community facilities. As these utilities and facilities become available within the urban development boundary and a demand for urban land use develops, a change of zoning from agricultural to other districts may be made. Minimum lot sizes in this district are also intended to preserve the quiet, rural atmosphere and to conserve property values.
- B. Basic requirements. Buildings or land used or occupied and buildings or structures erected, constructed, reconstructed, moved or structurally altered, whether permitted uses or conditional uses, shall comply with the requirements of this section, Articles **II** through **XII** and the specific development standards of Article **XIX** of this chapter.
- C. Permitted uses. The following uses are permitted in this district:
[Amended 12-27-2000 by Ord. No. 01-61; 4-28-2003 by Ord. No. 03-131; 4-24-2006 by Ord. No. 06-140; 3-24-2008 by Ord. No. 08-104]
 - (1) Agriculture.
 - (2) The sale of farm, nursery, dairy or poultry products within a structure having a gross floor area of not more than 500 square feet.
 - (3) Sale of farm products where:

- (a) The retail area shall not exceed 2,500 square feet.
 - (b) The property is located on a major arterial street.
 - (c) The property is a working farm.
- (4) One-family dwellings and one-family detached manufactured housing units.
- (5) Home occupation or profession (subject to the requirements of Article **IV**).
- (6) Municipal uses.
- (7) Public utility and public service uses.
- (8) Community living arrangements, in accordance with 30-A M.R.S.A. § 4357-A, as may be amended.
- (9) Cluster subdivision for detached single-family dwellings, provided that:
- (a) Such project has a minimum of five acres.
 - (b) Provision is made for the maintenance in perpetuity of open space areas in such a project.
 - (c) Such project receives approval under Article **XVI** of this chapter.
- (10) Cellular telecommunication towers, provided that:
- (a) They do not exceed 195 feet in height, or the minimum height required under federal law, whichever is greater.
 - (b) They are set back from property lines a minimum of 100% of the tower height.
 - (c) They conform to the requirements of § **165-80.1**.
- (11) Bed-and-breakfasts, provided that:
[Added 3-8-2010 by Ord. No. 10-076^[1]]
- (a) Meals provided are limited to patrons and their guests.
 - (b) It is limited to a maximum of 10 guest rooms.
 - (c) It provides, at a minimum, an A Buffer Yard or an equivalent of existing woody vegetation to buffer neighboring properties.
 - (d) The applicant demonstrates compliance with the State Plumbing Code for the proposed number of units.
- [1] *Editor's Note: This ordinance also provided for the redesignation of former Subsection C(11) as Subsection C(12)*
- (12) Small landscaping services business, provided that:
[Added 12-14-2015 by Ord. No. 16-013^[2]]
- (a) The landscaping services use is accessory to the primary use of the parcel as a residence.
 - (b) Facilities, equipment, and storage areas are located at least 50 feet from the property line of any other parcel.
 - (c)

At least 50 feet of existing or planted woody vegetation creating an effective visual barrier must be provided between facilities, equipment and storage areas and the property line of any adjacent parcel.

(d) No more than four people, including the owner, may be employed or used as independent contractors by the landscaping services business.

(e) A stockade fence at least six feet in height must enclose any storage or parking area on any side not facing a building on the parcel or a street adjacent to the parcel.

[2] *Editor's Note: This ordinance also redesignated former Subsection C(12) as C(13).*

(13) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses and any use approved under Subsection **D** below.

D. Conditional uses. Subject to Planning Board approval under the provisions of § **165-9**, the following uses may be permitted in this district:

[Amended 12-27-2000 by Ord. No. 01-61]

(1) Excavations of soil or loam, provided that they meet the requirements of Article **VI**.^[3]

[Added 10-16-2013 by Ord. No. 13-308]

[3] *Editor's Note: Former Subsection D(1), regarding quarries and gravel pits, was repealed 8-26-2013 by Ord. No. 13-269.*

(2) Animal pounds, kennels, animal hospitals, animal clinics, and animal crematoria, provided that such facilities are located at least 100 feet from any residential district and at least 150 feet from any residential building on an adjoining parcel.

[Amended 7-22-2013 by Ord. No. 13-237]

(3) Tenting and camping areas, golf courses and driving ranges (except miniature golf courses), provided that:

(a) They are located on the following arterial highways: Route 15 (Broadway) and Route 222 (Union Street).

(b) Such facilities are set back at least 50 feet from the street right-of-way line.

(c) Access drives are so located and designed to provide free, unobstructed views of vehicles from the drives and from the street and adequate stopping sight distances to such drives are available on the street.

(4) ^[4] Reconstruction of mobile home parks established prior to 1971, provided that:

[Added 10-27-2014 by Ord. No. 14-317]

(a) They have water service from the Bangor Water District sewer service from the City of Bangor and a minimum of 25 mobile home spaces.

(b) The reconstruction is done consistent with the requirements of § **165-121C**.

[4] *Editor's Note: Former Subsection D(4), regarding radio and television towers, was repealed 3-24-2008 by Ord. No. 08-104 and pursuant to Ord. No. 08-105, adopted 3-24-2008, was made effective retroactively to 7-1-2007.*

(5) Places of worship, provided that such site development is located on a major arterial street.

[Amended 8-27-2001 by Ord. No. 01-320]

(6) Cemeteries, provided that they meet the requirements for access drives in Subsection **D(3)**

(c) above and conform to state statutes.

- (7) Large landscaping services business, provided that:
[Added 12-14-2015 by Ord. No. 16-013]
- (a) The property is five acres or larger in area.
 - (b) The property is on a major arterial street.
 - (c) Facilities, equipment, and storage areas are located at least 150 feet from the property line of any other parcel.
 - (d) A stockade fence at least six feet in height must enclose any storage or parking area on any side not facing a building on the parcel or a street adjacent to the parcel, or, in the alternative, at least 50 feet of existing or planted woody vegetation creating an effective visual barrier must be provided between facilities, equipment, and storage areas and the property line of any adjacent parcel.
- E. Prohibited uses. Any use not specifically permitted in this section or in Articles **II** through **XII** of this chapter is prohibited.

§ 165-106. Resource Protection District (RP).

- A. Statement of purpose. The Resource Protection District is established to preserve and protect certain areas, such as natural drainageways, floodplains, streams, rivers, wetlands, etc. The Resource Protection District is intended not only to preserve and protect open space land, water quality, productive habitat, biotic systems and scenic and natural areas consistent with the intent and purpose of this chapter but also to protect the inhabitants of the City from costs and consequences which may be incurred when unsuitable development occurs in such areas.
- B. Basic requirements. Buildings or land used or occupied and buildings or structures erected, constructed, reconstructed, moved or structurally altered, whether permitted uses or conditional uses, shall comply with the requirements of this section, Article **VII** and the specific development standards of Article **XIX** of this chapter.
- C. Permitted uses. The following uses are permitted in this district:
- (1) Timber harvesting in keeping with the requirements of Article **VII**.
 - (2) Agriculture, including the production of dairy products and crops and the keeping and raising of livestock and poultry, except for feed lots, in accordance with Article **VII**.
 - (3) Tree farms and forest nurseries.
 - (4) Harvesting of wild crops.
 - (5) Recreation trails, such as bicycle, hiking, saddle, carriage, ski, snowmobile and snowshoe trails.
 - (6) All activities necessary for managing and protecting the land, including but not limited to forest management activities, wildlife management, mineral exploration, surveying and fire protection.
 - (7) Other recreational activities not requiring structures.
 - (8) Individual private campsites.
 - (9) Accessory uses subordinate and incidental to the above permitted uses and those approved under Subsection **D** below.

- D. Conditional uses. Subject to Planning Board approval under the provisions of § 165-9, the following uses may be permitted in this district:
- (1) Public utilities, including sewage collection and treatment, provided that:
 - (a) All the requirements of Article VII are met.
 - (b) An environmental impact statement is prepared which demonstrates that such use will create the minimum amount of environmental degradation necessary to install and operate such use.
 - (2) Piers, docks, wharves, breakwaters and bridges, provided that:
 - (a) All the requirements of Article VII are met.
 - (b) An environmental impact statement is prepared which demonstrates that the installation and operation of such a facility will have minimal negative impact on the immediate environment.
 - (3) Filling, grading or dredging, provided that:
 - (a) All the pertinent requirements of Article VII are met.
 - (b) The requirements of Article VI are met.
 - (c) A plan for precautions taken during construction to eliminate erosion and prevent environmental degradation and a plan for restoration of the site after construction, including revegetation, are submitted which demonstrate the minimal disruption of the environment in the immediate area.
 - (4) Road and driveway construction:
 - (a) Provided that such private drive is necessary to provide access to a permitted or conditional use established in conformance with the provisions of this chapter; or
 - (b) Where no reasonable route or location is available outside of the RP District Area as determined by the Planning Board.
- E. Prohibited uses. Any use not specifically permitted in this section or in Articles II through XII of this chapter is prohibited.

§ 165-107. Park and Open Space District (P & O).

- A. Statement of purpose. The Park and Open Space District is established to preserve parks, parkland and open space land. Such zoning will protect the public and private interests in these areas by limiting the uses to certain recreational and appropriate resource utilization activities.
- B. Basic requirements. Buildings or land used or occupied and buildings or structures erected, constructed, reconstructed, moved or structurally altered, whether permitted uses or conditional uses, shall comply with the requirements of this section, Articles II through XII and the specific development standards of Article XIX of this chapter.
- C. Permitted uses. The following uses are permitted in this district:
- (1) Agricultural, including the production of dairy products and crops and the keeping and raising of livestock and poultry, except feedlots.